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### **EXAMINER'S AMENDMENT**

Acknowledgment is made of the amendment filed on 3/31/10. Claims 8, 9, 33, 34, 48-50, 52, 53, 57, 59, and 60.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### **IN THE CLAIMS:**

in claim 57, line 9, substitute "system, from" with --system from--; and

in claim 59, line 9, substitute "system, from" with --system from--.

#### ***Allowable Subject Matter***

2. Claims 8, 9, 33, 34, 48-50, 52, 53, 57, 59, and 60 are allowed.

3. The following is an examiner's statement of reasons for allowance: although the Dymetman (US 6,330,976) reference teaches receiving position information of a coded data, the prior art of record fails to teach or fairly suggest either alone or in combination thereof:

regarding claim 57, a method of facilitating a communication using a product item, the product item including a surface having disposed thereon or therein coded data portions, each

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coded data portion encoding a product item identifier and position information identifying the position of the coded data portion on the surface of the product item, the method including the steps of:

receiving by a computer system sensing data from a user device, the sensing data resulting from sensing one of the coded data portions and includes the product item identifier and position information of the sensed coded data portion;

receiving by the computer system from the user device a message and a destination address;

sending by the computer system the message and destination address to the server address; and

forwarding, by the server, the message to the destination address; and

regarding claim 59, a method of facilitating a communication using a product item, the product item including a surface having disposed thereon or therein coded data portions, each coded data portion encoding a product item identifier and position information identifying the position of the coded data portion on the surface of the product item, the method including the steps of:

receiving by a computer system sensing data from a user device, the sensing data resulting from sensing one of the coded data portions and includes the product item identifier and position information of the sensed coded data portion;

extracting by the computer system from the sensing data a message and a destination address;

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sending by the computer system to a server address at least the message and the destination address; and

forwarding, by the server, the message to the destination address.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/  
Primary Examiner, Art Unit 2876

June 14, 2010  
JAF